

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SAMUEL LLAMAS,

Petitioner,

v.

CASE NO. 19-3180-SAC

SHANNON MEYER,

Respondent.

ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2254. Petitioner filed the petition on September 12, 2019, and the Clerk of the Court issued a notice of deficiency (NOD) on the following day. The NOD advises petitioner that he must submit the \$5.00 filing fee or a motion to proceed in forma pauperis and that he must submit the petition on a form approved by the Court.

Petitioner has filed a response in which he advises the Court that he has submitted the paperwork to have the filing fee transmitted from the Lansing Correctional Facility to the Court. He also points out that he incorporated the provisions of the form pleading approved by the Court in his petition. The Court has examined the petition under Rule 4 of the Rules Governing Section 2254 Cases and rescinds that portion of the NOD.

The Court finds a response is required and enters the following findings and order:

1. Petitioner is presently in the custody of the State of Kansas;
2. Petitioner demands his release from such custody, and as grounds therefore alleges that he is being deprived of

his liberty in violation of his rights under the Constitution of the United States, and he claims that he has exhausted all remedies afforded by the State of Kansas.

IT IS, THEREFORE, BY THE COURT ORDERED the portion of the NOD that directs petitioner to submit the petition on a form pleading is set aside.

IT IS FURTHER ORDERED:

1. That respondent shall show cause within thirty (30) days from the date of this order why the writ should not be granted.
2. That the response should present:
 - (a) The necessity for an evidentiary hearing on each of the grounds alleged in petitioner's pleading; and
 - (b) An analysis of each of said grounds and any cases and supporting documents relied upon by respondent in opposition to the same.
3. Respondent shall cause to be forwarded to this court for examination and review the following:

the records and transcripts, if available, of the state proceedings complained of by petitioner; if a direct appeal of the judgment of the trial court was taken by petitioner, respondent shall furnish the records, or copies thereof, of the appeal proceedings.

Upon the termination of the proceedings herein, the clerk of this court will return to the clerk of the proper state court all such state court records and transcripts.

4. That petitioner is granted thirty (30) days after receipt by him of a copy of respondent's answer and return to file a traverse thereto, admitting or denying, under oath, all factual allegations therein contained.
5. That the clerk of the court shall then return this file to the undersigned judge for such other and further proceedings as may be

appropriate; and that the clerk of the court shall transmit copies of this order to petitioner and to the office of the Attorney General for the State of Kansas.

IT IS SO ORDERED.

DATED: This 20th day of September, 2019, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge